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FILED
Clerk
District Court

APR - 3 2018

for the Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS

KATRINA DEL GALLEG0 DEMAPAN, MA.
GINA TIOZON, MARY JANE G. MUHI and
EMELINDA E. SANCHEZ,

Plaintiffs,

vs.

ZENG'S AMERICAN CORP., a CNMI corporation
doing business as Happy Poker, and JIN DONG
ZENG,

Defendants.

CASE NO.

18-00010

VERIFIED COMPLAINT
FOR VIOLATIONS OF THE
FAIR LABOR STANDARDS ACT

COMES NOW, Plaintiffs KATRINA DEL GALLEG0 DEMAPAN, MA. GINA TIOZON,
MARY JANE G. MUHI and EMELINDA E. SANCHEZ with the following Verified Complaint
against ZENG'S AMERICAN CORP. and JIN DONG ZENG:

JURISDICTION

1. The Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* ("FLSA"), applies to this matter
through the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political
Union with the United States of America, Article V, §502(a)(2).

2. This Court has jurisdiction over Plaintiffs' FLSA claims pursuant to 28 U.S.C. § 1331
(federal question jurisdiction), 28 U.S.C. § 1337(a) (proceedings arising under any Act of Congress
regulating commerce).

ORIGINAL

4. Venue is properly placed in this Court as at all relevant times Plaintiffs were employees of DEFENDANTS doing business in Saipan, Commonwealth of the Northern Mariana Islands (“CNMI”).

7 5. Plaintiff KATRINA DEL GALLEG0 DEMAPAN (“DEMAPAN”) is a citizen of the
8 Republic of the Philippines currently residing in Saipan, CNMI and at times relevant to the claims
9 herein was an employee of Defendants within the meaning of the FLSA.

6. Plaintiff MA. GINA TIOZON (“TIOZON”) is a citizen of the Republic of the Philippines currently residing in Saipan, CNMI and at times relevant to the claims herein was an employee of Defendants within the meaning of the FLSA.

13 7. Plaintiff MARYJANE G. MUHI (“MUHI”) is a citizen of the Republic of the Philippines
14 currently residing in Saipan, CNMI and at times relevant to the claims herein was an employee of
15 Defendants within the meaning of the FLSA.

8. Plaintiff EMELINDA E. SANCHEZ (“SANCHEZ”) is a citizen of the Republic of the Philippines currently residing in Saipan, CNMI and at times relevant to the claims herein was an employee of Defendants within the meaning of the FLSA.

19 9. Upon information and belief, Defendant ZENG'S AMERICAN CORP. ("ZAC"), P.O.
20 Box 504602, Saipan, MP 96950, is a corporation formed under the laws of the CNMI with its
21 principal place of business in Saipan, CNMI.

22 10. Upon information and belief, Defendant JIN DONG ZENG (“ZENG”), P.O. Box
23 504602, Saipan, MP 96950, is a citizen of the People’s Republic of China currently residing in Saipan,
24 CNMI.

11. Upon information and belief, ZENG is the principal of ZAC and, at all times relevant

1 hereto, ZENG was acting directly and indirectly in the interest of ZAC in relation to Plaintiffs.

2 12. It is expressly alleged herein that ZAC and ZENG (collectively referred to hereinafter as
3 "DEFENDANTS") are jointly and severally liable for the Plaintiffs' claims, and all of them, herein.

4 FACTS

5 13. Plaintiff DEMAPAN is a current employee of DEFENDANTS. She began her
6 employment with DEFENDANTS in about February 2014. At all times relevant to her claims herein,
7 Plaintiff DEMAPAN was employed by DEFENDANTS as a video poker arcade cashier in one of their
8 Saipan video poker arcades. Plaintiff DEMAPAN's duties included changing money for video poker
9 players, verifying and paying out winnings to video poker players, cleaning the video poker
10 establishment after each shift, monitoring surveillance cameras, making phone calls to
11 DEFENDANTS' representatives for instructions and to report issues, and making phone calls to the
12 Department of Public Safety on occasion to report possible criminal activity, threats and physical
13 violence in and about the video poker establishment.

14 14. Plaintiff TIOZON is a former employee of DEFENDANTS. She began her employment
15 with DEFENDANTS in about April 2015. Plaintiff TIOZON's employment with DEFENDANTS
16 ended in about December 2015. At all times relevant to her claims herein, Plaintiff TIOZON was
17 employed by DEFENDANTS as a poker arcade cashier in one of their Saipan poker arcades. Plaintiff
18 TIOZON's duties included changing money for video poker players, verifying and paying out
19 winnings to video poker players, cleaning the video poker establishment after each shift, monitoring
20 surveillance cameras, making phone calls to DEFENDANTS' representatives for instructions and to
21 report issues, and making phone calls to the Department of Public Safety on occasion to report
22 possible criminal activity, threats and physical violence in and about the video poker establishment.

23 15. Plaintiff MUHI is a current employee of DEFENDANTS. She began her employment
24 with DEFENDANTS in about December 2014. At all times relevant to her claims herein, Plaintiff
25 MUHI was employed by DEFENDANTS as a poker arcade cashier in one of their Saipan poker
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1 arcades. Plaintiff MUHI's duties included changing money for video poker players, verifying and
2 paying out winnings to video poker players, cleaning the video poker establishment after each shift,
3 monitoring surveillance cameras, making phone calls to DEFENDANTS' representatives for
4 instructions and to report issues, and making phone calls to the Department of Public Safety on
5 occasion to report possible criminal activity, threats and physical violence in and about the video
6 poker establishment.

7 16. Plaintiff SANCHEZ is a current employee of DEFENDANTS. She began her
8 employment with DEFENDANTS in about April 2015. At all times relevant to her claims herein,
9 Plaintiff MUHI was employed by DEFENDANTS as a poker arcade cashier in one of their Saipan
10 poker arcades. Plaintiff SANCHEZ's duties included changing money for video poker players,
11 verifying and paying out winnings to video poker players, cleaning the video poker establishment after
12 each shift, monitoring surveillance cameras, making phone calls to DEFENDANTS' representatives
13 for instructions and to report issues, and making phone calls to the Department of Public Safety on
14 occasion to report possible criminal activity, threats and physical violence in and about the video
15 poker establishment.

16 17. At all times relevant to this action, Plaintiffs, and each of them, were employees of
17 DEFENDANTS within the meaning of § 203(e)(1) of the FLSA.

18 18. At all times relevant to this action, DEFENDANTS were employers of Plaintiffs, and
19 each of them, within the meaning of § 203(d) of the FLSA.

20 19. At all times relevant to this action, Plaintiffs were employed by DEFENDANTS within
21 the meaning of § 203(g) of the FLSA.

22 20. At all times relevant to this action, Plaintiffs were employed by DEFENDANTS in
23 Saipan, Commonwealth of the Northern Mariana Islands.

24 21. At all times relevant to this action, DEFENDANTS were an enterprise within the
25 meaning of § 203(r)(1) of the FLSA with at least two employees and an annual dollar volume of
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1 business of a least \$500,000.

2 22. At all times relevant to this action, DEFENDANTS were an enterprise engaged in
3 commerce or in the production of goods for commerce within the meaning of § 203(s)(1) of the
4 FLSA.

5 23. At all times relevant to this action, Plaintiffs, as employees of DEFENDANTS, were
6 engaged in commerce within the meaning of § 207(a)(1) of the FLSA.

7 24. At all times while employed by DEFENDANTS, Plaintiffs were employed, and actually
8 performing work, in a job category or categories that are not exempt from the provisions of the FLSA.

9 25. At times during all Plaintiffs' employment with DEFENDANTS, DEFENDANTS failed
10 to pay Plaintiffs, and each of them, the applicable minimum wage for all hours Plaintiffs worked for
11 DEFENDANTS as required by § 206(a) of the FLSA.

12 26. At all times during all Plaintiff's employment with DEFENDANTS, DEFENDANTS
13 failed to pay Plaintiffs, and each of them, the applicable overtime premium for hours worked by
14 Plaintiffs for DEFENDANTS in excess of forty (40) hours in each work week as required by § 207(a)
15 of the FLSA.

16 27. Specifically, from about February 2014 through about February 2016, Plaintiff
17 DEMAPAN worked twelve hours per day, seven days per week for DEFENDANTS and
18 DEFENDANTS paid her a monthly salary of \$1,500.

19 28. From about December 2014 through about February 2016, Plaintiff MUHI worked twelve
20 hours per day, seven days per week for DEFENDANTS and DEFENDANTS paid her a monthly
21 salary of \$1,500.

22 29. From about April 2015 through about February 2016, Plaintiff SANCHEZ worked twelve
23 hours per day, seven days per week for DEFENDANTS and DEFENDANTS paid her a monthly
24 salary of \$1,500.
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31. During the entire term of her employment with DEFENDANTS, Plaintiff TIOZON worked twelve hours per day, seven days per week for DEFENDANTS and DEFENDANTS paid her a monthly salary of \$1,500.

32. On several occasions, DEFENDANTS would deduct various amounts from Plaintiffs' salary for cash register shortages.

33. DEFENDANTS also required Plaintiffs each to make a large “deposit” to DEFENDANTS as funds from which to deduct from Plaintiffs for cash register shortages.

34. Said deductions and deposits required by DEFENDANTS effectively decreased Plaintiffs' minimum hourly wage and overtime premiums below that mandated by the FLSA.

13 35. All of the actions and omissions alleged above were undertaken by DEFENDANTS either
14 directly or through their agent or agents.

36. All of the actions and omissions alleged above were willful within the meaning of the FLSA and with regard to the applicability of the statute of limitations on FLSA claims.

FIRST CAUSE OF ACTION
(FLSA Violation - Unpaid Minimum Wage)

19 37. Plaintiff incorporates paragraphs 1 through 36 above as if fully set forth herein.

38. DEFENDANTS have violated the provisions of § 206(a) of the FLSA by failing to pay Plaintiffs, and each of them, the applicable minimum wage per hour for all of the hours worked by Plaintiffs in each work week for which they performed services for DEFENDANTS.

39. Plaintiffs, and each of them, are entitled to payment of unpaid minimum wages from
DEFENDANTS, jointly and severally, plus an additional equal amount as liquidated damages.

40. Plaintiffs, and each of them, are also entitled to costs of the action and reasonable attorneys' fees pursuant to § 216(b) of the FLSA.

1 SECOND CAUSE OF ACTION
2 (FLSA Violation - Unpaid Overtime Compensation)

3 41. Plaintiff incorporates paragraphs 1 through 40 above as if fully set forth herein.

4 42. DEFENDANTS have violated the provisions of § 207(a) of the FLSA by failing to pay
5 Plaintiffs, and each of them, overtime compensation in the amount of one and one-half times their
6 regular pay rate for all of the hours worked by Plaintiffs in excess of forty (40) hours in each work
7 week.

8 43. Plaintiffs, and each of them, are entitled to payment of unpaid overtime compensation
9 from DEFENDANTS, jointly and severally, and an additional equal amount as liquidated damages.

10 44. Plaintiffs, and each of them, are also entitled to costs of the action and reasonable
11 attorneys' fees pursuant to § 216(b) of the FLSA.

12 PRAYER FOR RELIEF:

13 Accordingly, Plaintiffs pray for the following relief:

14 A. That DEFENDANTS, jointly and severally, pay Plaintiffs the applicable minimum wage
15 for all hours worked by Plaintiffs for DEFENDANTS;

16 B. That DEFENDANTS, jointly and severally, pay Plaintiffs the applicable overtime
17 premium for all hours worked by Plaintiffs for DEFENDANTS in excess of forty (40) hours in each
18 work week;

19 C. That DEFENDANTS, jointly and severally, pay Plaintiffs an equal amount as liquidated
20 damages; and

21 D. That DEFENDANTS, jointly and severally, pay Plaintiffs reasonable attorney's fees and
22 costs of this action.

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1 DATED this 3rd day of April, 2018.

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Attorneys for Plaintiffs

10 VERIFICATION OF COMPLAINT

11 I, KATRINA DEL GALLEGO DEMAPAN, hereby certify that I have read and understood
12 the allegations and claims made in the above-Verified Complaint for Violations of the Fair Labor
13 Standards Act and that I consent to be a party plaintiff herein. I further certify that the factual
14 statements made herein are true and correct to the best of my knowledge and belief and that I
15 verified the accuracy of the above-Verified Complaint this 3rd day of April, 2018.

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18 KATRINA DEL GALLEGO DEMAPAN

19 I, MA. GINA TIOZON, hereby certify that I have read and understood the allegations and
20 claims made in the above-Verified Complaint for Violations of the Fair Labor Standards Act and that
21 I consent to be a party plaintiff herein. I further certify that the factual statements made herein are
22 true and correct to the best of my knowledge and belief and that I verified the accuracy of the above-
23 Verified Complaint this 3rd day of April, 2018.

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26 MA. GINA TIOZON
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1 I, MARY JANE G. MUHI, hereby certify that I have read and understood the allegations and
2 claims made in the above-Verified Complaint for Violations of the Fair Labor Standards Act and that
3 I consent to be a party plaintiff herein. I further certify that the factual statements made herein are
4 true and correct to the best of my knowledge and belief and that I verified the accuracy of the above-
5 Verified Complaint this 3rd day of April, 2018.

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8 MARY JANE G. MUHI

9 I, EMELINDA E. SANCHEZ, hereby certify that I have read and understood the allegations
10 and claims made in the above-Verified Complaint for Violations of the Fair Labor Standards Act and
11 that I consent to be a party plaintiff herein. I further certify that the factual statements made herein
12 are true and correct to the best of my knowledge and belief and that I verified the accuracy of the
13 above-Verified Complaint this 3 day of April, 2018.

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15 
16 EMELINDA E. SANCHEZ